

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOHN DANIEL HAWKINS, JR., )  
Petitioner, )  
vs. ) Case No. 4:13CV00313 TIA  
DOUGLAS PRUDDEN, )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's Motions for Appointment of Counsel (Docket No. 6) and to hold Petition for Habeas Relief in Abeyance (Docket No. 14). The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On February 19, 2013, Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 in federal court and an application for appointment of counsel on March 8, 2013.

"[T]here is neither a constitutional nor statutory right to counsel in habeas proceedings..."

McCall v. Benson, 114 F.3d 754, 756 (8th Cir. 1997). In order to determine whether appointment of counsel is appropriate, the court must consider "the factual and legal complexity of the case, and the petitioner's ability both to investigate and to articulate his claims without court appointed counsel." Id. (citations omitted). In the instant case, Petitioner raises two grounds for habeas relief in his Petition, asserting involuntary entry of Alford plea and ineffective assistance of counsel. A review of the Petition shows Petitioner's grounds do not appear to be factually or legally complex and demonstrates that Petitioner is able to articulate his claims in a clear, concise manner. Because Petitioner has demonstrated an ability to adequately

present his claims without an attorney, his motion for appointment of counsel will be denied at this time.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's Motions for Appointment of Counsel (Docket No. 6) and to hold Petition for Habeas Relief in Abeyance (Docket No. 14) are **DENIED**. If the Court later determines that counsel is necessary, the appropriate order will be issued.

*/s/ Terry I. Adelman*  
UNITED STATES MAGISTRATE JUDGE

Dated this 20th day of December, 2013.